

Introduced by Senator Alarcon

February 20, 2004

An act to amend Section 17980.6 of, and to add Sections 17965.1 and 17967.1 to, the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1634, as introduced, Alarcon. Real property: substandard conditions.

(1) The State Housing Law authorizes a city, county, or city and county to designate and charge a department organized to carry out the purposes of the State Housing Law, or an officer charged with the responsibility of carrying out the State Housing Law, with the enforcement of this law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law for the protection of the public health, safety, and general welfare. The State Housing Law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the California Building Standards Code, the State Housing Law, and the other rules and regulations adopted pursuant to the State Housing Law pertaining to apartment houses, hotels, or dwellings, as specified.

This bill would require the Department of Housing and Community Development to develop a statewide grading system and minimum inspection standard for local enforcement agencies to use when inspecting buildings pursuant to the above-described provisions. The bill would also establish the office of Housing Inspector to monitor the enforcement by a county of the State Housing Law, California Building Standards Code, and other rules and regulations adopted pursuant to the law.



(2) The State Housing Law authorizes a city, county, or city and county enforcement agency to issue an order or notice to repair or abate a building to the owner if the building is maintained in a manner that violates any provisions of this law, the building standards published in the State Building Standards Code, any other rule or regulation promulgated pursuant to the law, or a local ordinance that is similar to a provision in the State Housing Law, and the violations are so extensive and of a nature that the health and safety of the residents or the public is substantially endangered. Existing law requires the order or notice to include specified information.

This bill would instead require the issuance of an order or notice to repair or abate. This bill would also require the order or notice to include the name of the landlord of the building if the building is in violation of the State Housing Law or building standards published in the State Building Standards Code. By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law authorizes the department to inspect the records of the various city, city and county, and county departments charged with enforcement of the State Housing Law, the California Building Standards Code, or any other rules and regulations adopted pursuant to this law.

This bill would require each of these departments to post on the Web site of the city, county, or city and county, the address of every building that receives a grade of F on the condition of the building.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) In Los Angeles County alone, the county's Department of
4 Health found that over 13 percent of housing are continually in
5 seriously dilapidated condition. The county has given these
6 apartments failing grades; where the health and safety of its
7 occupants have, and continue to be at risk despite citations issued
8 to landlords.

9 (b) Childhood asthma and allergies are on the rise, particularly
10 in low-income, African-American, and Latino communities, and
11 a major contributing factor are the health code violations in rental
12 housing that are going unchecked.

13 (c) Code violations include anything from vermin infestation
14 and mold growth. Other code violations from failing plumbing and
15 poor sanitation to structural problems also pose a serious threat to
16 health and safety.

17 (d) These conditions substantially endanger the health and
18 safety of the residents and the general public.

19 (e) Currently there are no statewide standards as to how
20 inspections are performed, how apartments are graded, or how
21 local government will enforce compliance. In many jurisdictions,
22 inspections are only conducted in the common areas of the
23 buildings, or the apartments are given a 100 percent score or
24 passing grade after only inspecting the outside of the units.

25 SEC. 2. Section 17965.1 is added to the Health and Safety
26 Code, to read:

27 17965.1. (a) The Department of Housing and Community
28 Development shall develop a statewide grading system and
29 minimum inspection standard for local enforcement agencies to
30 use when inspecting buildings pursuant to this part, the building
31 standards published in the California Building Standards Code,
32 and other rules and regulations adopted by the department
33 pursuant to this part. The grading system shall be used to grade the
34 condition of a building based upon how well it complies with this
35 part and the building standards published in the California
36 Building Standards Code by assigning it a letter grade of A, B, C,
37 D, or F.

(b) There is hereby established with the Department of Housing and Community Development the office of Housing Inspector. The Housing Inspector shall monitor the enforcement by a county of this part, the California Building Standards Code, and other rules and regulations adopted pursuant to this part.

SEC. 3. Section 17967.1 is added to the Health and Safety Code, to read:

17967.1. Each city, county, and city and county department charged with the enforcement of building standards published in the California Building Standards Code shall post on the Web site of the city, county, or city and county, the address of every building that receives a grade of F pursuant to Section 17965.1.

SEC. 4. Section 17980.6 of the Health and Safety Code is amended to read:

17980.6. If any building is maintained in a manner that violates any provisions of this part, the building standards published in the State Building Standards Code relating to the provisions of this part, any other rule or regulation adopted pursuant to the provisions of this part, or any provision in a local ordinance that is similar to a provision in this part, and the violations are so extensive and of such a nature that the health and safety of residents or the public is substantially endangered, the enforcement agency ~~may~~ *shall* issue an order or notice to repair or abate pursuant to this part. Any order or notice pursuant to this subdivision shall be provided either by both posting a copy of the order or notice in a conspicuous place on the property and by first-class mail to each affected residential unit, or by posting a copy of the order or notice in a conspicuous place on the property and in a prominent place on each affected residential unit. The order or notice shall include, but is not limited to, all of the following:

(a) The name, address, and telephone number of the agency that issued the notice or order.

(b) The date, time, and location of any public hearing or proceeding concerning the order or notice.

(c) Information that the lessor cannot retaliate against a lessee pursuant to Section 1942.5 of the Civil Code.

(d) *The name of the landlord of the building if the building violates this part or the building standards published in the California Building Standards Code.*

1 SEC. 5. Notwithstanding Section 17610 of the Government
2 Code, if the Commission on State Mandates determines that this
3 act contains costs mandated by the state, reimbursement to local
4 agencies and school districts for those costs shall be made pursuant
5 to Part 7 (commencing with Section 17500) of Division 4 of Title
6 2 of the Government Code. If the statewide cost of the claim for
7 reimbursement does not exceed one million dollars (\$1,000,000),
8 reimbursement shall be made from the State Mandates Claims
9 Fund.

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